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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: TERRORIST ATTACKS ON)
SEPTEMBER 11, 2001)
_____)

03 MDL 1570 (GBD)
ECF Case

***This document relates to: Burnett v. Al Baraka
Investment & Development Corp., 03 CIV 9849 (GBD);
Burnett v. Al Baraka Investment & Development Corp., 03 CIV 5738 (GBD)***

**DECLARATION OF T. BARRY KINGHAM IN SUPPORT OF MOTION
TO DISMISS PURSUANT TO SUGGESTION OF DEATH**

T. BARRY KINGHAM, hereby declares under penalty of perjury, as follows:

1. I am a member of the bar of this Court, and a member Curtis, Mallet-Prevost, Colt & Mosle LLP, which was counsel to defendant HRH Prince Abdullah Al Faisal Bin Abdulaziz Al Saud prior to his death.
2. I submit this declaration in support of this motion for an order dismissing HRH Prince Abdullah Al Faisal Bin Abdulaziz Al Saud from the above-referenced actions pursuant to the Suggestion of Death filed with this court on May 15, 2007 (MDL Docket No. 1973) (Exhibit A).
3. Pursuant to the Suggestion of Death, Alfaisaliah Group (a/k/a Faisal Group Holding Co.), which was formerly a defendant in the above-referenced actions, suggested upon

the record pursuant to Federal Rule of Civil Procedure 25, the death of defendant HRH Prince Abdullah Al Faisal Bin Abdulaziz Al Saud on May 4, 2007.

4. Pursuant to Federal Rule of Civil Procedure 25(a), plaintiffs had 90 days after the service of the Suggestion of Death to file a motion for substitution of another party. Plaintiffs did not make such a motion. Based upon this failure to file a motion for substitution of another party, and also pursuant to Federal Rule of Civil Procedure 25(a), “the action ... against the decedent must be dismissed.”

5. Accordingly, as counsel to HRH Prince Abdullah Al Faisal Bin Abdulaziz Al Saud prior to his death, we respectfully request an order dismissing HRH Prince Abdullah Al Faisal Bin Abdulaziz Al Saud from these actions with prejudice.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
August 6, 2010

/s/ T. Barry Kingham
T. Barry Kingham